

GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 78-5

GUAM AIRPORT AUTHORITY
PROMULGATION OF PERSONNEL RULES AND REGULATIONS

WHEREAS, Section 4004 of the Government Code of Guam, provides in part that Personnel Rules and Regulations shall be adopted by the Board of Directors of the Guam Airport Authority; and

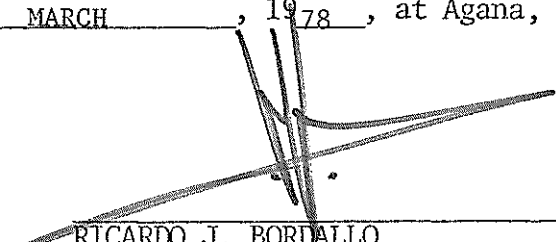
WHEREAS, Section 4004 of the Government Code of Guam, further provides that such Rules and Regulations must be approved by the Civil Service Commission and promulgated by Executive Order; and

WHEREAS, the Board of Directors of the Guam Airport Authority have adopted such Personnel Rules and Regulations and the Civil Service Commission has approved such Rules and Regulations;

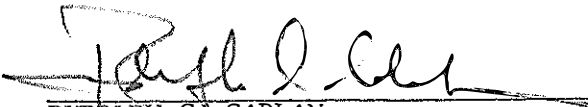
NOW, THEREFORE, I, Ricardo J. Bordallo, Governor of Guam, by virtue of the authority vested in me by Section 4004, Government Code of Guam, hereby order as follows:

- (1) That the Personnel Rules and Regulations adopted by the Board of Directors of the Guam Airport Authority and approved by the Civil Service Commission, attached hereto, are hereby approved and promulgated.
- (2) This Executive Order shall be effective _____.

Dated this 9th day of MARCH, 1978, at Agana, Guam.


RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Lieutenant Governor of Guam

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PROPOSED PERSONNEL
RULES AND REGULATIONS

OF

GUAM AIRPORT AUTHORITY

INTRODUCTION

A. GUAM AIRPORT AUTHORITY. Guam Airport Authority (GAA) was established by the Guam Airport Authority Act (Public Law 13-57) approved September 26, 1975. GAA was created as a public corporation and autonomous instrumentality of the Government of Guam. The purpose of the Authority is to acquire, construct, reconstruct, purchase, extend, improve, better, operate and maintain airports and related facilities for civil aviation purposes on Guam.

B. BOARD OF DIRECTORS. All powers vested in GAA are exercised by a Board of Directors of five (5) members, nominated and appointed by the Governor by and with the advise and consent of the Legislature. The first official meeting of the GAA Board of Directors was held January 20, 1976, following the required appointment and confirmation of Board members. At this meeting, all responsibilities for airport matters previously held by the Department of Commerce under Public Law 10-97 were officially transferred to GAA. Since that date, the GAA Board has held at least two (2) regular meetings per month for transaction of GAA business. The powers of the Board and additional information concerning GAA are given in Appendix A, extracts from the Guam Airport Authority Act.

C. EXECUTIVE MANAGER. The chief executive officer of GAA is the Executive Manager, appointed by the Board. The Executive Manager has full charge and control of the operations and maintenance of the airports controlled by GAA, and of the construction of any airports, facilities, runways, taxiways, and other necessary works required. The powers and duties of the Executive Manager are listed in Appendix A.

D. GUAM INTERNATIONAL AIR TERMINAL (GIAT). Currently, Guam International Air Terminal is the only airport property owned and controlled by GAA. GIAT is located adjacent to the northeastern corner of Naval Air Station (Brewer Field), and includes the necessary air terminal complex and related facilities needed to serve airlines and other civil aviation activities on Guam. GIAT operates at NAS Agana through a Joint-Use Agreement with the United States of America (represented by Navy) executed July 19, 1974. GIAT is currently undergoing an extensive improvement and expansion program, including land acquisition (Navy,

Government of Guam and private property), improvements of present facilities, and Master Planning for a new air terminal complex. A chart of the NAS Agana/GIAT complex and GIAT is attached hereto.

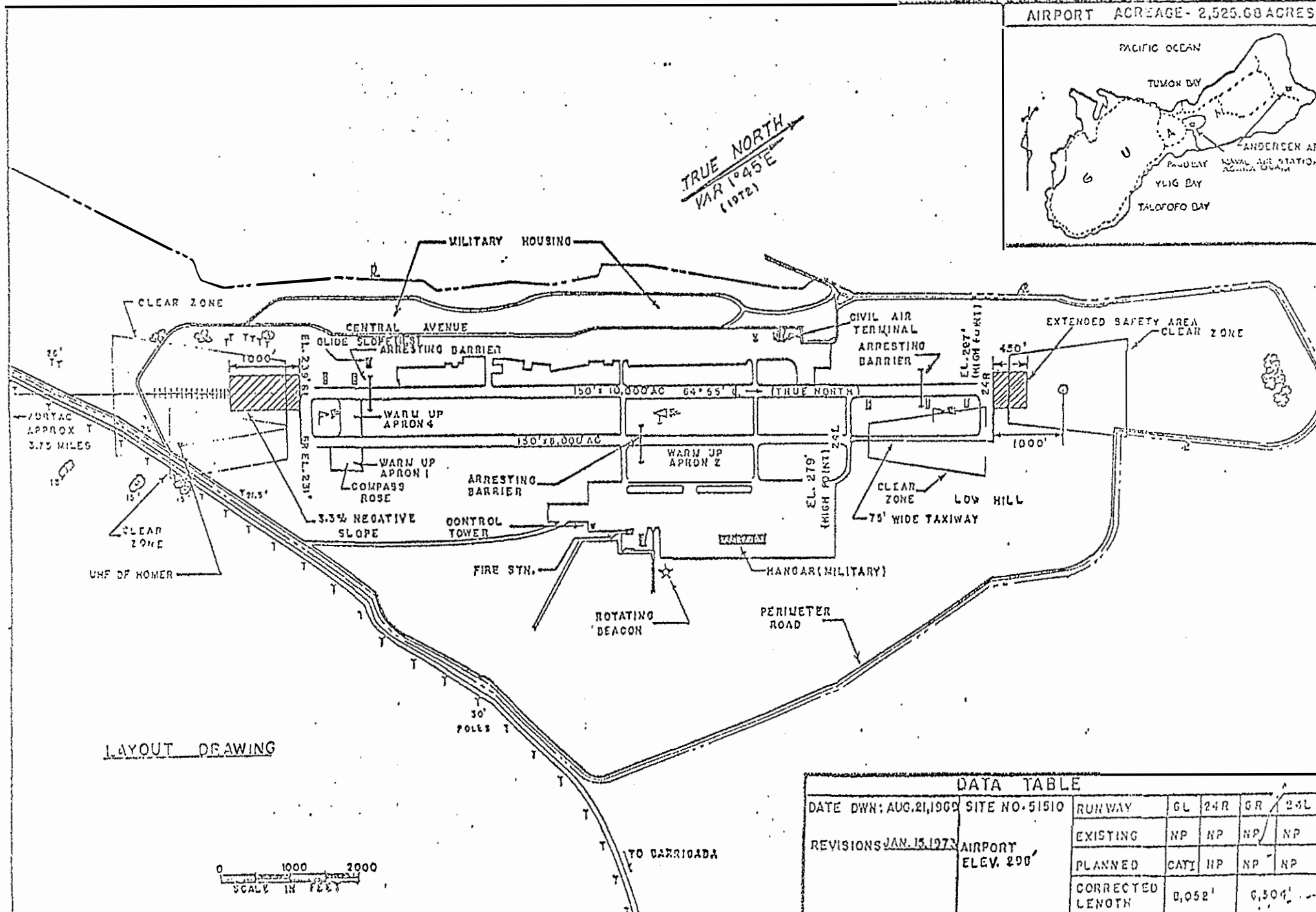
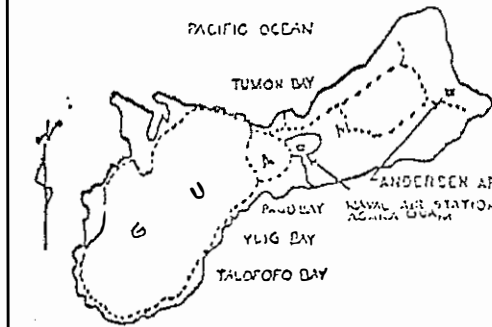
E. ORGANIZATION. The current Organization Chart for GAA is attached hereto. A complete and up to date Staffing Pattern is maintained by the GAA Personnel Services Section.

F. PERSONNEL RULES AND REGULATIONS. Section 62001 of the Guam Airport Authority Act requires that, "The Board, pursuant to Section 4004 of this Code, shall establish rules and regulations governing the selection, promotion, performance evaluation, demotion, suspension, dismissal and other disciplinary action of employees of the Authority". Section 4004, Government Code of Guam (Public Law 9-189) is shown in Appendix B. As required, GAA Personnel Rules and Regulations have been approved by the Civil Service Commission and By Executive Order No. _____ of the Governor, copy of which is included in Appendix C. The remainder of this manual, Section 1 through 14, cover these approved GAA Personnel Rules and Regulations.

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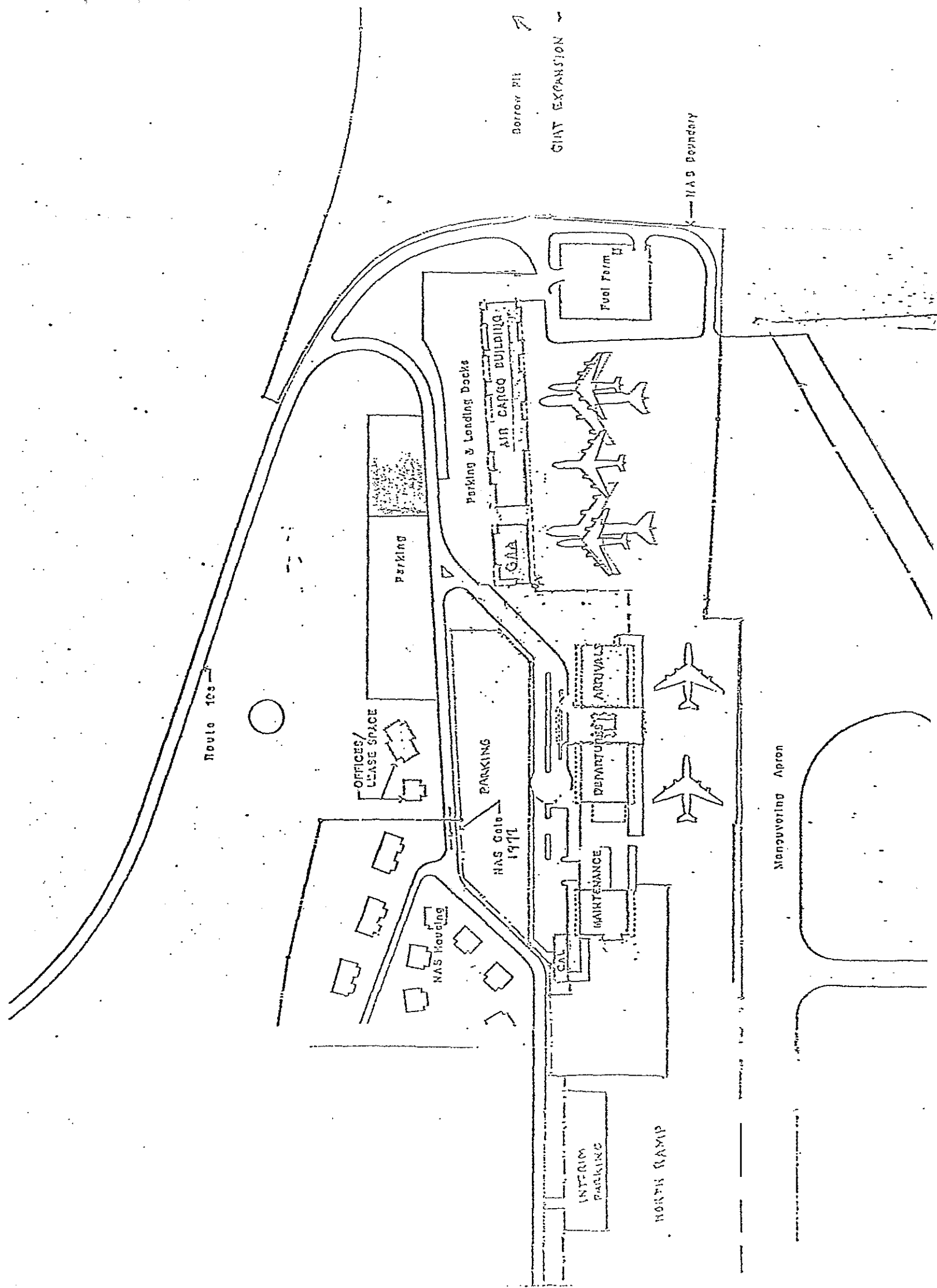
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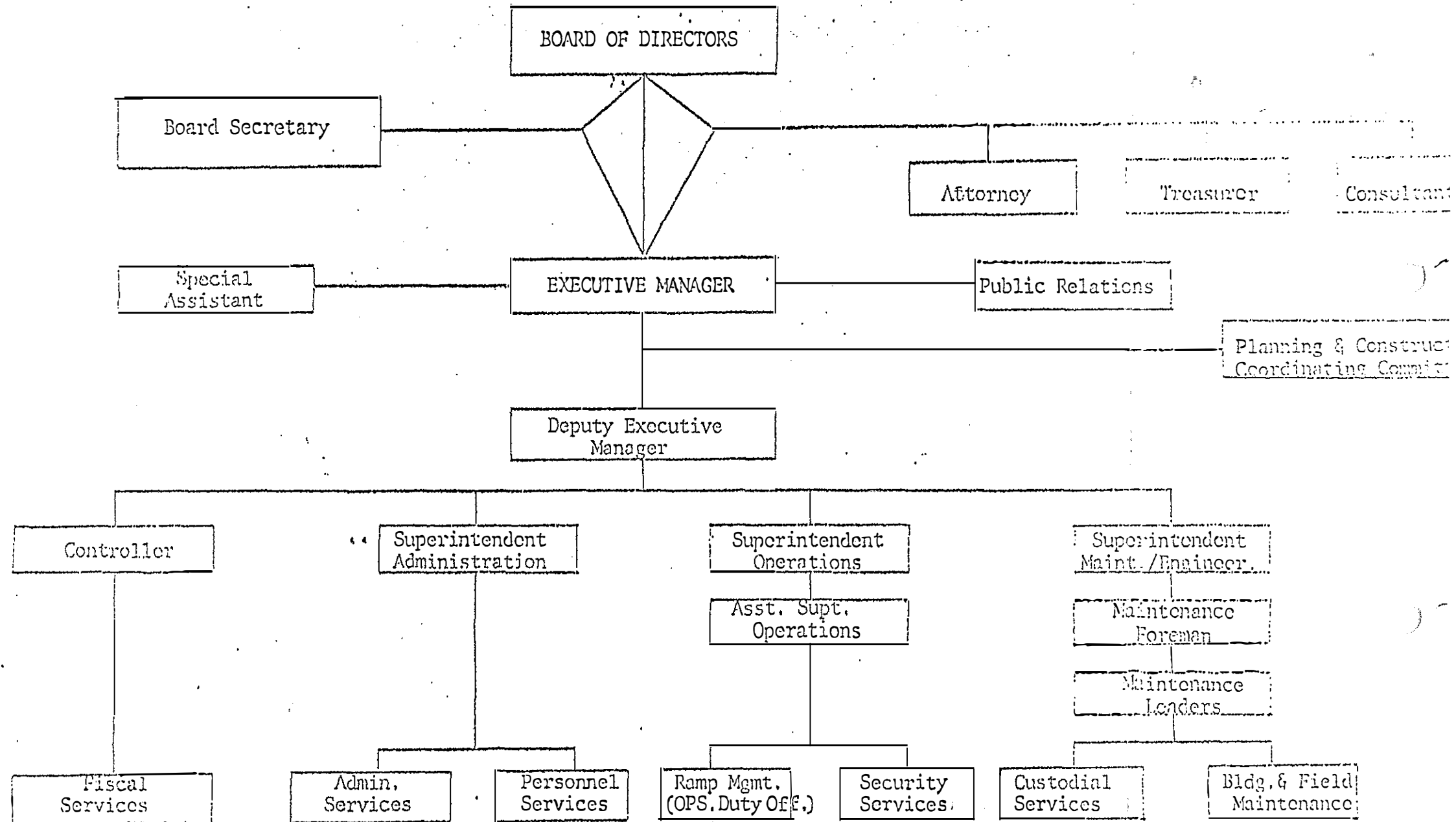
AIRPORT ACREAGE - 2,525.68 ACRES



DATA TABLE

DATE DWN: AUG. 21, 1968	SITE NO. 51510	RUNWAY	GL	24R	GR	25L
REVISIONS JAN. 15, 1973	AIRPORT ELEV. 290'	EXISTING	NP	NP	NP	NP
		PLANNED	CAT I	HP	NP	NP
		CORRECTED LENGTH	8,052'		6,504'	



GUAM AIRPORT AUTHORITY
ORGANIZATION CHARTSUBMITTED BY: _____
Executive Manager

APPROVED BY: _____

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SECTION 1

GENERAL PROVISIONS

101. PURPOSE OF RULES. It is the purpose of these Rules to implement the Provisions of Section 62011 of the Government Code of Guam.

102. SCOPE OF RULES. These Rules shall control the administration of personnel matters in the Guam Airport Authority.

103. COVERAGE OF RULES. These rules shall apply to all persons in the service of the Guam Airport Authority, except those persons specifically exempted by law or by these Rules.

104. FORMS. The Executive Manager shall devise any forms necessary for the implementation of these Rules, and shall determine procedures to be followed for their implementation.

105. WAIVER OF RULES. Waiver of any provisions of these Rules shall be subject to the consent of the Civil Service Commission and approval by the Governor.

106. PENALTIES. Any person in the service of the Guam Airport Authority who shall be found guilty by the Board of Directors of the Guam Airport Authority of willful violation of these Rules shall be deemed to have vacated his position in the service of the Guam Airport Authority, and shall be incapable of holding any position in the service of the Guam Airport Authority for one (1) year after the date of such finding.

SECTION 2

GENERAL CONDITIONS OF EMPLOYMENT

201. PROBATIONARY PERIOD. Each person in the employ of the Guam Airport Authority shall serve an initial probationary period of at least six (6) months' duration before he shall be granted the status of a permanent employee of the Guam Airport Authority; provided, that this Rule shall not apply to the position of the Executive Manager, the treasurer, the comptroller, the attorney, and all other positions specifically exempted by law, or by these Rules.

202. PERMANENT STATUS.

(a) After a person in the service of the Guam Airport Authority has served an initial probationary period of six (6) months' duration as referred to in Rule 201, the Executive Manager shall determine whether such person shall be granted the status of a permanent employee.

(b) If the Executive Manager determines that such person shall not be granted the status of a permanent employee, he may either ~~dismiss~~ such person from the service of the Guam Airport Authority, or he may extend the probationary period of such person not to exceed six (6) months' duration. If, after such second probationary period, the Executive Manager determines that a person shall not be granted the status of a permanent employee, he shall ~~dismiss~~ such person from the service of the Guam Airport Authority.

(c) If, at the termination of any employee's probationary period, the Executive Manager determines that such employee should be made a permanent employee of the Guam Airport Authority, he shall so inform the employee and the personnel department in writing, and such employee shall thereafter be entitled to continue in his position during good behavior; provided, that nothing in this Rule shall prevent a person in the service of the Guam Airport Authority from being ~~dismissed~~ for cause; and provided, further, that nothing in this Rule shall prevent a person in the service of the Guam Airport Authority from being laid off pursuant to the provisions of Section 7 of these Rules.

(d) In making the determination of whether an employee on probationary status shall be granted the status of a permanent employee, or shall be ~~dismissed~~ or shall serve a further probationary period, the Executive Manager shall take into consideration all performance evaluation reports prepared for such employee pursuant to the provisions of Section 5 of these Rules.

203. HOURS OF WORK. Hours of work shall be as set from time to time by the division heads, with the approval of the Executive Manager.

204. TRAINING PROGRAMS. The Executive Manager may devise and implement training programs in order to improve the quality of service of persons in the service of the Guam Airport Authority. The Executive Manager may, in his discretion, allow persons in the service of the Guam Airport Authority to attend and participate in such training programs during their working hours, with no loss of pay .

205. OUTSIDE EMPLOYMENT. Persons in the service of the Guam Airport Authority may work at outside employment not in conflict with their Guam Airport Authority service, nor such as would bring the Government of Guam, or the Guam Airport Authority or its employees into disrepute; provided, that any person in the service of the Guam Airport Authority may undertake such outside employment only if such is not in conflict with his duly scheduled hours of Guam Airport Authority employment, and only with the consent in writing of the Executive Manager, which consent may not be unreasonably withheld.

206. NEPOTISM. No spouse or person within the first degree of consanguinity of any division head or section chief in the service of the Guam Airport Authority shall be employed in the section or division of the Guam Airport Authority which is headed by such division head or section chief. The spouse of the Executive Manager of the Guam Airport Authority shall not be employed by the Guam Airport Authority.

207. MATERNITY LEAVE. Maternity leave shall be granted in accordance with Section 4006.1 of the Government Code of Guam.

208. JOINING OF ORGANIZATIONS -- PRESSURE. No person in service of the Guam Airport Authority shall use any coercion or pressure to influence any other person in the service of the Guam Airport Authority to join or refrain from joining any organization.

SECTION 3

CLASSIFICATION AND COMPENSATION PLAN

301. CLASSIFICATION AND COMPENSATION POLICY: It is declared to be the policy of the Guam Airport Authority to provide an equitable plan for the classification and compensation of positions in the service of the Guam Airport Authority. Every position in the service of the Guam Airport Authority, except those of the Executive Manager, the treasurer, the comptroller, the attorney, and all other positions specifically exempted by law, or by these Rules, shall be allocated into an appropriate class. Compensation for each position shall be based on the premise that there will be equal pay for equal work within the pay range limits assigned to the classification into which the position is allocated.

Differences between classifications shall be based on relative difficulty of work, responsibility assigned, and qualification requirements found to be essential to the work as determined by the Executive Manager.

302. ALLOCATION OF POSITIONS INTO CLASSIFICATIONS:

(a) The Executive Manager shall allocate every position in the Guam Airport Authority service, except those of the Executive Manager, the treasurer, the comptroller, the attorney, and all other positions specifically exempted by law, by these Rules, or by the Executive Manager, into the classification which he finds to be appropriate.

(b) In determining the classification into which a position shall be allocated, the Executive Manager should take into consideration the general duties, responsibilities, specific tasks, and qualifications required for performance in the position, and the relationship of the duties and responsibilities of the position to those of other positions within the Guam Airport Authority service.

(c) The Executive Manager shall from time to time review the allocations of all positions and the appropriateness of the established classifications. The purpose of such review shall be to determine whether changes in classifications are necessary due to changes in the duties and responsibilities of the positions allocated to the various classifications. Division heads shall advise the Executive Manager, in writing, of any material change in the duties and responsibilities of positions occupied by employees within their divisions, within five (5) days of the date of any such change. If a division head fails to notify the Executive Manager of such a material change, the employee who occupies the position affected may file a written request with the Executive Manager for review of his position allocation.

303. THE OFFICIAL CLASSIFICATION PLAN.

(a) The Executive Manager shall maintain a complete set of current specifications approved by the Civil Service Commission, for all classifications of positions in the Guam Airport Authority service which shall be designated the Official Classification Plan. The Official Classification Plan shall be used as a basis for assuring similarity of allocations of positions into classifications; to assist in the preparation of examinations; as a device for

determining qualifications required to fill positions within the Guam Airport Authority service; in determining equitable compensation arrangements; and in providing the uniform terminology for personnel transactions with the Guam Airport Authority service.

(b) The specifications shall list at least the title of each classification, a statement of responsibilities of typical positions found in each classification, and minimum qualifications required for the performance of the duties described in the specification, and shall be set forth in sufficient detail to make it possible for division heads to differentiate between the duties and responsibilities of the various classifications and of positions allocated thereto.

304. SALARY OF NEW EMPLOYEES. The salary of each new employee in the service of the Guam Airport Authority shall be the minimum salary of the salary range established for the classification to which his position has been allocated, except that:

(a) The Executive Manager, with the approval of the Civil Service Commission, may, after an investigation and a finding that the minimum salary for a particular classification is too low to allow effective recruitment and retention of qualified personnel for that classification, or because of a new employee's special or unusual qualifications, authorize employment at other than the minimum salary for that classification.

(b) This Rule shall not apply to employees who shall resign from a position in the service of the Guam Airport Authority and thereafter be reemployed, pursuant to the provisions of Rule 404.

(c) Above minimum step may be granted on promotions.

305. SALARY INCREMENTS. Yearly salary step increases are not automatic. The employee's salary rate will be advanced to the next higher step in the pay range to which the class of position is assigned upon submission by the Division/Section head of a satisfactory performance evaluation report for the preceding year. Performance evaluations reports shall be submitted to the Personnel Services Section thirty (30) days prior to the employee's anniversary date. Salary incremental pay adjustments up to Step 7 in the pay range shall be effected following twelve (12) months of satisfactory service in the previous salary rate; and pay adjustments to Steps 8, 9, and 10 shall be effected following eighteen (18) months of satisfactory service in the previous salary rate.

The number of days in excess of twenty (20) work days (160 hours) an employee was on leave without pay during an increment year shall be extended beyond the employee's anniversary date. However, increment anniversary dates will not change when:

- (a) the pay range for a class or classes of positions have been reassigned;
- (b) pay adjustment resulting from statutory amendments to the pay range schedule;
- (c) an employee receives acting pay differential (temporary promotion);
- (d) an employee is granted meritorious service salary step increase;
- (e) an employee is transferred from one position to another of the same or related class of position and retains the same salary rate upon transfer;
- (f) an employee is involuntarily demoted for other than adverse or disciplinary reasons;
- (g) reclassification to a class of the same pay range or lower and the employee retains the same salary rate;
- (h) educational leave without pay;
- (i) military leave without pay;
- (j) leave without pay beyond 20 work days as a result of a work connected injury;
- (k) leave without pay for less than 20 work days.

306. OVERTIME PAY. Overtime work may be authorized by the Executive Manager in cases of emergency or when the best interests of the Guam Airport Authority service indicates that overtime employment is required. Compensation for overtime work shall be at the rate of one and one-half ($1\frac{1}{2}$) times the employee's hourly rate of pay as prescribed by Section 4004(c) of the Government Code of Guam; or in the absence of any funds for overtime compensation, compensatory time-off shall be granted at one and one-half times the employee's hourly rate of pay. Compensatory time-off shall be granted within four (4) pay periods from the date in which it is earned, and any compensatory time not used within a four pay period interval shall be converted to overtime pay the following pay period. It is the policy of the Guam Airport Authority that overtime work be held to a minimum consistent with the needs and requirements of sound and orderly administration.

307. NIGHT DIFFERENTIAL. Employees who are assigned to a shift which falls between the hours of 6:00 p.m. and 6:00 a.m., shall be paid a night differential pay amounting to 10% of their hourly rate for all hours actually worked during such shifts.

308. ACTING CAPACITY APPOINTMENT:

(a) Acting Capacity as Head of a Division or Section. An employee who is appointed to serve temporarily in acting capacity by the Executive Manager as head of a division or section in addition to his other duties, shall be compensated during the period of such service by a payment differential, to be added to his base rate of pay, measured by the difference in amount between the step in the pay range he then holds and the salary paid the division head for that division or section, provided, however, that: 1) the period in an acting capacity shall not be less than thirty (30) days and not to exceed one (1) year; and, 2) his position does not include assuming the duties and responsibilities of the head of the division or section in the absence of such head of a division or section. Payment of differential shall be deferred until the employee has served thirty (30) calendar days in an acting capacity.

(b) Acting Capacity in Administrative and/or Supervisory Level: If an employee who is appointed to serve temporarily in an acting capacity to fill a supervisory and/or administrative position, having a higher pay range than his regular position, meets the provisions listed below, he shall be compensated during the period of such service, by a payment differential, to be added to his base rate of pay, measured by the pay range he then holds and the next higher step in such pay range. Or, if the step in the pay range he then holds is step 10, then the pay range having the equivalent of a step higher than 10 above shall apply, but in no case shall an employee receive less than the minimum rate established for the class of position to which he is serving temporarily in an acting capacity, provided, the following provisions are met: a) that the period in an acting capacity shall not be less than thirty (30) calendar days and not to exceed one (1) year and subject to availability of funds.

Payment of differential shall be deferred until the employee has served thirty (30) calendar days in an acting capacity.

309. APPROVAL AND DISAPPROVAL OF DISBURSEMENT FOR PERSONNEL SERVICES.

No disbursement for personnel services in any position in the service of the Guam Airport Authority shall be made unless an authorization therefore has been certified for employment by the Executive Manager. The certification shall specify that the person named in the warrant has been examined and employed pursuant to Title V of the Government Code of Guam, and these Rules and Regulations. Suitable attendance records for audit for the Executive Manager shall be maintained. Departmental payrolls may not be paid if the Executive Manager certifies that an employee of the department unlawfully occupies a classified position. Certifications shall specify that the employees are entitled to payments under these Rules for such services in such positions or authorized absence therefrom at the rates, for the periods, and the amounts shown.

310. ENFORCEMENT. Whenever the Executive Manager finds, after an appropriate investigation, that a person in the service of the Guam Airport Authority has been appointed or retained in service in violation of the Government Code of Guam or these Rules, he may order that no salary shall be paid to the person so appointed or retained for services rendered after the date of such order. Any violation of the Government Code of Guam or these Rules in this respect shall constitute grounds for dismissal of any employee affected, and any administrative or disbursing officer authorizing expenditures contrary to the provisions of this Rule shall be personally liable to reimburse the Guam Airport Authority for such payment.

SECTION 4

FILLING VACANCIES

401. POLICY. It is declared to be the policy of the Guam Airport Authority that vacant positions shall be filled, wherever practicable, on the basis of merit and fitness. In furtherance of this policy, competitive selection and promotion methods shall be used to fill all positions except those positions exempted therefrom by law, or by these Rules.

402. NO POSITION TO BE FILLED UNTIL CLASSIFIED. No person shall be appointed to, or employed in service in, any position in the Guam Airport Authority until that position has been established and allocated into a classification by the Executive Manager as provided for in Rule 302, provided that this Rule shall not apply to the position of the Executive Manager, the treasurer, the comptroller, and the attorney, and all other positions specifically exempted by law, by these Rules, or by the Executive Manager for urgently needed unclassified positions not to exceed six (6) months, as approved by the Board of Directors.

403. GENERAL STANDARDS FOR FILLING VACANCIES. Whenever a position in the service of the Guam Airport Authority is vacant, the Executive Manager shall determine whether the position shall be filled by reemployment, by transfer, by promotion, by new appointment, or by demotion. The Executive Manager should first strive to fill a vacant position by reappointment; if this is impracticable, the Executive Manager should next strive to fill a vacant position by transfer; if this this impracticable, the Executive Manager should next strive to fill a vacant position by promotion; if this is impracticable, the Executive Manager should strive to fill the vacant position by new appointment. Vacant positions may also be filled by demotion; provided, however, that no person in the service of the Guam Airport Authority shall be demoted solely for the purpose of filling a vacant position, unless the demotion be voluntary.

404. REEMPLOYMENT

(a) Any permanent employee in the service of the Guam Airport Authority is laid off pursuant to the provisions of Section 7, or who has resigned in good standing, shall be entitled to have his name placed on a reemployment list for the classification to which his position is assigned, provided he so requests in writing within ninety (90) days from the date of his layoff or from the effective date of his resignation.

(b) The order in which names shall be placed on any reemployment list shall be in accordance with the chronological order of separation from the service of the Guam Airport Authority, with the lowest name on such list being that of the person most recently added thereto.

(c) If the Executive Manager determines that a vacant position shall be filled by reemployment he shall offer the position to the person whose name is highest on the reemployment list for the classification to which the vacant position is allocated. Should such person refuse to take the position, the

Executive Manager shall offer the position to the person whose name is next highest upon such list, and so on until the position is filled, or the list is exhausted.

(d) Names placed on any ~~reemployment~~ list shall be stricken therefrom at the expiration of twenty-four (24) months from the date they were placed upon such list; provided, that a person whose name appears upon such list may, within ninety (90) days prior to the date upon which his name is to be stricken therefrom, request that his name remain in its position upon such list for one further twelve month period, such period to begin upon the date that such person's name was to have been stricken from such list. The Executive Manager shall grant such request only one (1) time for each such person.

(e) No person shall be entitled to have his name placed on any reemployment list if he resigned from a position in the service of the Guam Airport Authority in order to avoid being ~~dismissed~~ for cause, or if he was ~~dismissed~~ for cause.

405. TRANSFER:

(a) Transfer is defined as a change from one position to a related position in another classification, which position carries the same salary range and substantially the same qualification requirements as that of the position transferred from.

(b) The Executive Manager may, in his discretion, fill any vacant position in the service of the Guam Airport Authority by transfer.

406. PROMOTION:

(a) The Executive Manager may fill any vacant position in the service of the Guam Airport Authority by promotion.

(b) The Executive Manager shall create, for each classification of positions in the service of the Guam Airport Authority, a promotion list. The order in which names shall be placed upon the promotion list for each classification shall be determined by employees' performance on promotional examinations.

(c) If the Executive Manager determines that a vacant position shall be filled by promotion, he shall offer the position to the top five (5) applicants on the promotion list for the classification to which the vacant position is allocated, and so on until the position has been filled or the promotion list is exhausted.

(d) If, in the opinion of the Executive Manager, the number of names upon the promotion list for the classification to which the vacant position is allocated is insufficient to provide a reasonable selection for the filling of the vacant position, or if the list has become exhausted pursuant to subsection (c) of this Rule, the Executive Manager may call for the holding of a promotional examination pursuant to Rule 408.

407. NEW APPOINTMENTS:

(a) The Executive Manager may fill any vacant position in the service of the Guam Airport Authority by new appointment.

(b) If the Executive Manager determines that a vacant position shall be filled by new appointment, he shall call for the holding of an open competitive examination pursuant to Rule 408.

(c) The names of all persons who have competed in an open competitive examination shall be placed on an eligible list for the classification for which such open competitive examination has been held. If the Executive Manager determines that a vacant position shall be filled from the open competitive list, he shall offer the position to the top five (5) applicants on the open competitive list for the classification to which the vacant position is allocated, and so on until the position has been filled or the open competitive list is exhausted.

(d) After the position has been filled for which an open competitive examination has been held, the eligible list shall be maintained for a period of twelve (12) months.

408. EXAMINATIONS:

(a) Whenever the Executive Manager determines that an examination shall be held for the purpose of filling a vacant position in the service of the Guam Airport Authority, he shall, among other things, prepare and disseminate the necessary materials to call for such examination; cause such examination to be administered; place upon a list the names of all applicants successfully completing such examination in the order of their merit and fitness for service as determined

by the examination; and fill the vacancy pursuant to the provisions of this Section of these Rules.

(b) All examinations shall be designed to evaluate the fitness of candidates for, and their capacity to develop in, the service of the Guam Airport Authority. Examinations should be practical in nature, and designed to discern the capacity of the candidate for successful performance in the classification into which the position for which he is competing is allocated; the candidate's background and related knowledge should be evaluated in light of the requirements of the classification for which the examination is being conducted.

(c) The Executive Manager shall establish policies and procedures prescribing: The content and format of all examinations; precautions for the security of examination materials, including disciplinary action against any employee who divulges information concerning the nature of such examinations to any person prior to such examinations; the scope and weight of all subjects included in such examinations; the conduct of such examinations; the rating of the results of such examinations; the procedure for the notification of candidates of the results of such examinations; and any other area necessary to the implementation of this Rule.

409. REJECTION OF UNSATISFACTORY APPLICANTS. The Executive Manager may refuse to examine an applicant and may, with notice, remove his name from the eligibility list for any of the following reasons:

- (a) Unsatisfactory health conditions; that are job-related.
- (b) Failure to meet the job requirements for the position, as specified in the announcement of examination.
- (c) Failure to apply to take an examination on or before the closing date therefore as specified in the announcement of examination.
- (d) Falsely stating any material fact or attempting to practice deception or fraud in applying for an examination.
- (e) Previous removal for cause from a position in the service of the Government of Guam which removal would render the person unsatisfactory for the position in the service of the Guam Airport Authority for which he is applying or for which he has applied for promotion.

- (f) Failure after written notice to report promptly to the Executive Manager for review of criminal record or health conditions.
- (g) Prior conviction of a crime involving moral turpitude, which are job-related, in the opinion of the Executive Manager, would render the person unsatisfactory for the position of the service of the Guam Airport Authority for which he is applying or for which he has applied for promotion.
- (h) Proof of the person's addiction to the use of narcotics.
- (i) Where the person is an employee of the Guam Airport Authority who has applied to take a promotional examination, failure to successfully complete the probationary period pursuant to Rule 201, or evidence that the person has received an unsatisfactory service rating which would disqualify the person for promotion.

410. NONCOMPETITIVE EXAMINATIONS. The Executive Manager shall authorize noncompetitive examinations under any of the following conditions:

- (a) No more than one person applies who meets the minimum requirements.
- (b) Examination given is to test the fitness of an employee who has a permanent appointment and who seeks transfer to a position in a class in the same pay range but which requires a skill not required in his present classification.
- (c) The examination is to test an employee who has a permanent appointment in a position which has been reallocated to a class requiring a new skill.
- (d) When a position is temporarily vacant due to the incumbent being on leave of absence without pay and an employee serving in the same section at a lower grade is to be temporarily promoted.

411. RETIRED PERSONNEL. No person who is receiving a retirement annuity as a member of the Government of Guam Retirement Fund shall be appointed to any classified position in the service of the Guam Airport Authority; provided, that this Rule shall not apply to persons serving in the service of the Guam Airport Authority without compensation.

412. EMPLOYMENT MEDICAL EXAMINATIONS. Except when physical qualifications are to be rated competitively, i.e., performance tests of physical skills and abilities, no health examination shall be required of any candidate for a regular position prior to the establishment of an eligible list. The Executive Manager shall advise persons on the eligible list to report for qualifying medical examinations when certification or appointment to a regular position is imminent at Guam Airport Authority expense. The purpose of medical examinations shall be to determine that persons seeking employment or employed in the service of the Guam Airport Authority meets health and physical condition standards deemed necessary and proper for the performance of the duties of the class of position in which they seek employment, or are employed. Medical examinations shall be of three kinds: pre-entry, periodic, and special.

(a) Pre-entry medical examination shall be required of all persons within six (6) months prior to initial appointment to position other than a short-term appointment.

(b) Periodic medical examinations shall be required of all employees holding positions in classes which the Executive Manager certifies, and that the nature of the work performed is such that a periodic check of ability to meet the health and physical condition standards is necessary. The intervals at which periodic medical examinations shall be taken will be determined by the Executive Manager.

(c) The Executive Manager may authorize special medical examinations to determine the fitness for duty of employees to continue with their assigned duties. Special medical examinations shall have as their purpose the determination of whether an employee should be retired from the Guam Airport Authority service or assigned to duties and responsibilities within his physical ability to perform.

413. LABOR AND CUSTODIAL. Examinations of applicants for the labor and custodial classification of positions shall be governed by the following regulations:

(a) Each applicant for these classes shall, prior to appointment, qualify by examination which shall consist of completing an application form. The Executive Manager shall certify the names of the top ten (10) applicants in order of highest rating of working experience, and in cases of tie scores, all applicants with tie scores will be certified.

(b) Notwithstanding the limitation of this Rule, the Executive Manager may at any time prescribe such additional tests for applicants in the labor and custodial classes as he shall deem practical and feasible to assure equitable considerations of all applicants.

414. PREFERENCE CREDIT FOR THE HANDICAPPED. Residents of Guam who are physically or mentally handicapped but are physically or mentally able to perform efficiently and safely, the duties and responsibilities of the job applied for as certified by the Department of Vocational Rehabilitation, shall receive a preferential credit of five (5) points which shall be added to their passing examination score.

415. PREFERENCE CREDIT FOR VETERANS OF THE UNITED STATES ARMED FORCES OR MEMBERS OF THE GUAM POLICE COMBAT PATROL. Veterans of the Armed Forces of the United States or members of the Guam Police Combat Patrol, as certified by the Director of the Department of Public Safety, shall receive a preferential credit of five (5) points which shall be added to their passing examination score. Such veterans or former members who are disabled as a result of their service in the Armed Forces or Combat Patrol, shall receive a preferential credit of ten (10) points which shall be added to their passing examination score. Preference credits shall be granted only for initial appointments.

416. PROOF OF ELIGIBILITY FOR VETERAN'S PREFERENCE CREDIT. Persons claiming veteran's status must submit their discharge orders or DD-214. A person must have at least completed 180 consecutive days of service in the Armed Forces of the United States, and must have been honorably discharged from such service to be eligible for veteran's preference credit.

417. PREFERENCE CREDIT FOR GRADUATES OF THE GUAM COMMUNITY COLLEGE OR THE GUAM VOCATIONAL TECHNICAL HIGH SCHOOL. Graduates of the Guam Community College or the Guam Vocational Technical High School conducted by the College or High School shall receive a preferential credit of five (5) points which shall be added to their competitive examination score for purpose of initial employment.

SECTION 5

PERFORMANCE EVALUATION

501. REQUIREMENT OF PERFORMANCE EVALUATION. The Executive Manager shall establish, and may from time to time revise, a system of performance evaluation for all persons in the service of the Guam Airport Authority, provided, that this section of these Rules shall not apply to the positions of the Executive Manager, the treasurer, the comptroller, the attorney, or any position specifically exempted by law, or by these Rules.

502. PERFORMANCE EVALUATION FORM. Performance evaluations shall be submitted on a form selected or devised for that purpose by the Executive Manager.

503. WHO SHALL EVALUATE PERFORMANCE. An employee's performance shall be evaluated, and the performance evaluation form filled in and filed by, the person who oversees, reviews, and checks the daily work performance of the employee, or who is the supervisor most closely acquainted with the employee's daily work performance. All performance evaluation reports shall be filed with the Executive Manager.

504. PERFORMANCE EVALUATION PERIOD:

(a) A performance evaluation shall be prepared, and a performance evaluation report form filed, during the fifth month of any probationary period of any person who is a probationary employee of the Guam Airport Authority.

(b) The performance of each permanent employee of the Guam Airport Authority shall be evaluated, and a performance evaluation report form filed, annually during the thirty (30) days prior to the anniversary date of each such employee's initial employment by the Guam Airport Authority.

505. USE OF PERFORMANCE EVALUATION REPORTS. The performance evaluation report shall be used as the basic document in the granting of incremental salary raises; in determining the order of layoffs, and in rating an employee's suitability for promotion. Satisfactory rating, as determined by the Executive Manager, shall be necessary for promotion or for the granting of incremental salary raises, and unsatisfactory rating may be the basis for disciplinary action pursuant to Section 6 of these Rules.

506. ACKNOWLEDGEMENT OF PERFORMANCE EVALUATION REPORT. The person filling out a performance evaluation report form shall, prior to filing it with the Executive Manager, show it to the employee for whom it has been prepared and explained to such employee the reasons for the performance evaluation and areas where such employee's work performance might be improved. The performance evaluation form shall then be signed by the person who has prepared it and by the employee for whom the report has been made, and filed with the Executive Manager. The person who has prepared the performance evaluation report form shall explain to the employee for whom the report has been made that the employee's signature on the form acknowledges his having seen the form, but does not necessarily imply agreement with the performance evaluation which appears upon the form.

SECTION 6

DISCIPLINARY ACTION

601. POLICY. It is declared to be the policy of the Guam Airport Authority that persons in the service of the Guam Airport Authority may be subjected to disciplinary action, for reasonable cause, when such action is necessary for the good of the Guam Airport Authority.

602. GENERAL GUIDELINES AND DEFINITIONS. Rules and regulations relative to demotion, suspension, dismissal and appeal of such adverse actions as approved and promulgated by Executive Order No. 72-19:

CSC-100 Definitions:

- (a) Suspension - means either the temporary removal of an employee from his position with loss of pay as a disciplinary measure, or his/her removal preliminary to investigation of charges pending demotion or dismissal.
- (b) Demotion - means the involuntary reduction of an employee for cause from a position which he occupies in a specific class to a position in another class where the maximum rate of pay is less than the maximum rate of pay for the class from which he was transferred, or a reduction to a lower salary increment in the same class.
- (c) Dismissal - means the separation, discharge, or removal for cause of an employee from his position.

CSC-105 Authorized Causes for Adverse Action. Each of the following shall constitute cause for adverse action against an employee:

- (a) Fraud in securing appointment;
- (b) Incompetence;
- (c) Inefficiency;
- (d) Inexcusable neglect of duty;
- (e) Insubordination;
- (f) Dishonesty;
- (g) Drunkenness on duty;

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- (h) Intemperance;
- (i) Addiction to the use of narcotics or habit-forming drugs;
- (j) Inexcusable absence without leave;
- (k) Conviction of a felony or of a misdemeanor involving moral turpitude;
- (l) Discourteous treatment of the public or other employees;
- (m) Improper political activity;
- (n) Willful disobedience;
- (o) Misuse of government property;
- (p) Refusal to take and subscribe any oath or affirmation which is required by law in connection with his employment; and
- (q) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his agency or his employment.

CSC-110 Prohibitions:

- (a) A department may not take an adverse action against an employee covered by Section CSC-115(a), except for such cause as will promote the efficiency of the service. Among the reasons that constitute such cause as will promote the efficiency of the service are the authorized causes for adverse action listed in Section CSC-115 of these rules.
- (b) A department may not take an adverse action against an employee covered by Section CSC-115(a) that is based on discrimination because of race, color, religion, sex, or national origin, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

CSC-115 Adverse Action Procedures:

(a) Employees covered:

All employees in the classified service of the Executive Branch of the Government of Guam except the following:

- 1. Regular contract employees whose contracts are not renewed upon expiration; and

2. Employees whose employment are temporary, seasonal, intermittent, part-time or only for a specific project.

(b) Adverse Actions Covered:

~~1. Dismissal;~~

2. Suspension; and
3. Demotion

(c) Notice of Proposed Adverse Action.

An employee against whom adverse action is sought is entitled to immediate written notice stating any and all reasons, specifically and in detail, for the proposed action.

(d) Employee's Answer.

An employee is entitled to 10 days for answering charges and a notice of proposed adverse action and for furnishing affidavits in support of his answers. If the employee answers, the department shall consider his answer in reaching its decision. The employee is entitled to answer personally, or in writing, or both. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the appointing authority shall make himself or representative(s) available to hear his answer.

(e) Duty Status During Notice Period.

Except as provided in Section CSC-115(a), an employee against whom adverse action is proposed is entitled to be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general

public, the department may temporarily assign him to duties in which these conditions will not exist or place him on leave with his consent.

(f) Suspension During Notice Period.

In an emergency case, when, because of the circumstances described in paragraph (e) of this Section, an employee cannot be kept in an active duty status during the notice period, the department may suspend him.

This suspension is a separate adverse action. An employee whose suspension under this paragraph is proposed is entitled to appeal to the Civil Service Commission.

(g) Notice of Adverse Decision.

The employee is entitled to notice of the department's decision at the earliest practicable date. The department shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing; be dated; inform the employee the specific statement of the charges upon which such action is based; inform the employee of his rights to appeal to the Civil Service Commission; and inform him of the time limit within which an appeal may be submitted as provided in Section CSC-130.3.

Copies of the Notice of Adverse Action shall be filed by the department with the Civil Service Commission not later than the working day next following the effective date of the action.

ADMINISTRATIVE APPEALS

This sets forth the regulations that will provide a simple, orderly method through which an employee may seek prompt administrative reconsideration of an adverse action against him.

CSC-120 Definitions:

(a) Appeal - means a request by an employee for reconsideration of an adverse action against him.

(b) Appellate Decision - means a decision made by the Civil Service

Commission which completes action on the appeal at that level by sustaining the original decision, modifying the original decision by substituting a less severe action or revoking the original decision.

(c) Original Adverse Action - means an adverse action by an agency against an employee.

(d) Days - means calendar days.

CSC-125 Adverse Action Coverage:

1. Dismissal;
2. Suspension; and
3. Demotion.

THE APPEAL

CSG-130.1 Right to Appeal:

- (a) Any employee holding a permanent appointment in the classified service is entitled to appeal to the Civil Service Commission from an adverse action, covered by Section CSC-125. An employee who has been appointed to a permanent position and who shall have completed his probationary period holds a permanent appointment.
- (b) A regular contract employee occupying a permanent position in the classified service is entitled to appeal to the Civil Service Commission from adverse actions covered by Section CSC-125 during the term of his contract. Non-renewal of contract by the Government of Guam is not considered an adverse action and is not subject to appeal.
- (c) Probationary employees are entitled to appeal to the Civil Service Commission in writing from adverse action covered in Section CSC-125 only under the following grounds:
 1. On Discrimination. A probationary employee may appeal on the ground that the action was based on political reasons not required by statute, or resulted from discrimination because of

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sex, or marital status, or because of physical handicap. When an appeal is based on any of these grounds, the appellant shall submit an affidavit setting forth the facts and circumstances on which the appeal is based.

- (d) Temporary, intermittent, seasonal, or part-time employees are not entitled to appeal to the Civil Service Commission.

CSG-130.2 Contents of Appeal.

An appeal shall be in writing; shall set forth clearly the basis of the appeal; and shall include the employee's request, if any, for a hearing when he is entitled to one.

CSG-130.3 Time Limit for Filing Appeal.

- (a) An employee may submit an appeal at any time after receipt of the notice of original action but not later than 20 calendar days after the date the employee receives the notice of adverse action.
- (b) The Civil Service Commission may extend the time limit not to exceed an additional 20 calendar days; 1) when an employee shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appeal within the time limit; or, 2) for other reasons considered sufficient by the Commission.

CSG-130.4 Presentation of Appeal.

- (a) An employee, in presenting his appeal, shall:
 - 1. Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.
 - 2. Have the right to be accompanied, represented, and advised by a representative of his own choosing.

(b) When the employee designates another employee of the department as his representative, the representative, who is presenting the appeal shall:

1. Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

THE HEARING

CSG-135.1 Right to a Hearing.

(a) Entitlement.

An employee is entitled to a hearing on his appeal before the Civil Service Commission. The employee is entitled to appear at the hearing personally, or accompanied by or through his representative.

CSG-135.2 Place and Time of Hearing.

The Commission shall set the place, date, and time of hearing as expeditiously as possible.

CSG-135.3 Conduct of Hearing.

- (a) Attendance at the hearing is limited to persons as determined by the Commission.
- (b) The hearing is conducted so as to bring out pertinent facts, including the production of pertinent records.
- (c) Rules of evidence are not applied strictly, but the Commission shall exclude irrelevant or unduly repetitious testimony.
- (d) Decisions on the admissibility of evidence or testimony are made by the presiding officer of the Commission without polling the Commission members, except that when a member objects to a decision of the presiding officer, a ruling on the admissibility of the evidence or testimony in question is by a majority vote of the Commission with minority views recorded.
- (e) Testimony is under oath or affirmation.

- (f) The presiding officer shall give the parties opportunities to cross-examine witnesses.

CSG-135.4 Witnesses.

- (a) Both parties are entitled to produce witnesses.
- (b) The department shall make its employees available as witnesses before the Civil Service Commission when; 1) requested by the Commission after consideration of a request by the employees; and 2) it is administratively practicable to comply with the request of the Commission. If the department determines that it is not administratively practicable to comply with the request of the Commission, it shall submit for inclusion in the employee appeal file its written reasons for the declination.
- (c) An employee is on duty status during the time he is made available as a witness. An employee who serves as a witness on days for which he would have been entitled to receive overtime compensation had he rendered service in his regular position is entitled to the overtime compensation he would have received on these days. The Civil Service Commission shall furnish the head of the department or agency in which he is employed a certificate or certificates showing the time devoted to the hearing.
- (d) The department shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

CSG-135.5 Record of Hearing.

- (a) Oral evidence shall be taken under oath or affirmation and testimony may be tape recorded. It shall be transcribed only at the request and expense of the party concerned. The testimony and exhibits admitted in the hearing, together with all pleadings, exceptions, motions, requests, and papers filed by the party or parties involved, shall constitute the complete and exclusive record.
- (b) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any

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matter relevant to the issues. If the employee does not testify on his/her own behalf, he/she may be called and examined by the Commission as if under cross-examination. Any member of the Commission may direct questions at either party or any witness any time during the proceedings.

Technical rules of evidence shall not apply at the hearing which shall be conducted as informally as compatible with the intended purpose of receiving evidence to refute or sustain the specific charges which the Commission had been requested to review.

CSC-140 Termination of Appeal.

The Civil Service Commission shall terminate an employee's appeal:

- (a) At the employee's request.
- (b) For failure to prosecute if the employee does not furnish required information and duly proceed with the advancement of his appeal. However, instead of terminating for failure to prosecute, the Commission may adjudicate the appeal if sufficient information for that purpose is available. The Commission may reopen a closed appeal under this paragraph only on a showing by the employee that circumstances beyond his control prevented him from prosecuting his appeal.

CSG-140.1 Death of Employee.

When an appeal is filed properly before the death of the employee, the Commission shall process it to completion and adjudicate it. The Commission may provide for amendment to show retroactive restoration and the employee's continuance on the rolls on active duty status to the date of death.

CSC-145 Appellate Review.

The scope of the appellate review shall include, but shall not be limited to; 1) a review of the issues of fact; and 2) a review of compliance with procedural requirements for effecting the adverse action.

CSC-150 Appellate Decision.

The Commission shall consider the evidence presented in executive session. The Commission may sustain, modify or revoke the order of suspension, demotion or dismissal, as in its judgment, is equitable and in the interest of the government service. The Commission shall issue a written decision within 20 days after the hearing is completed and shall send copies thereof to the affected department/agency head and the appellant. If the order of the appointing authority is sustained by the Commission, the effective date of said order shall stand as issued by the appointing authority. If the order of the appointing authority is modified by the Commission, compensation and other benefits shall be in accordance with and in proportion to the extent of such modification. If the order of the appointing authority is revoked by the Commission, all compensation and other benefits which would have accrued to the employee from the effective date of said order shall be restored to him/her.

CSC-150.1 - The department or agency head must report, within seven (7) calendar days after receipt of the decision, that it has carried the decision into effect.

SECTION 7

LAYOFFS

700. LAYOFFS NOT PROHIBITED. Nothing in this Section of these Rules shall be construed to prohibit or prevent layoffs, which may be ordered by the Executive Manager under this section.

701. POLICY. It is declared to be the policy of the Guam Airport Authority that layoffs may be declared at the discretion of the Executive Manager where such are necessary due to reorganization, lack of work, insufficiency of funds, or other reasons.

702. LAYOFFS. The Executive Manager may, at his discretion, terminate the services of any employee because of the abolition of the employee's position, for lack of work or funds, or for other reasons outside of the employee's control which do not reflect discredit on the services of the employee. An employee whose services are terminated under such circumstances shall be deemed to have been laid off. An employee who is laid off shall be given at least sixty (60) days prior notice, in writing, of such action.

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703. ORDER OF LAYOFFS. The order of layoffs shall be determined by the Executive Manager in accordance ~~with the following~~ formula:

(a) The Executive Manager shall determine in what division of the Guam Airport Authority the reductions shall occur.

(b) The Executive Manager shall determine in what class series and at what level reductions in staff will have the least detrimental effect on the Guam Airport Authority services and will specify layoffs of the number of positions to be eliminated from the specific classes.

(c) Within class series selected and at the specified level, all non-permanent employees of the Guam Airport Authority shall be laid off before any permanent employees and in the following order: part-time or seasonal, provisional, temporary, and probationary. An individual who attained permanent status but is serving a new probationary period because of a promotion is grouped in with permanent employees for layoff purposes. If additional reductions are necessary, permanent employees shall be laid off based on the following procedures:

1. A combination of performance evaluation and seniority will be utilized; one (1) point shall be allowed for each complete month of continuous government service in the class of the layoff or in unclassified positions, that, on the effective date of the layoff have substantially the same or higher maximum salary rate.
2. Three-fourths of one point shall be allowed for each complete month of full time continuous government service in all other classes below the layoff class.
3. In addition, any employee who has been subject to a formal disciplinary action in the past twelve months of the date of the announcement of the layoff will have twelve points subtracted from his service points.
4. An employee who has received a meritorious step increase in the past twelve months of the date of the announcement of the layoff shall receive three additional service points.
5. In lieu of being laid off, an employee may elect demotion temporarily to any class with a lower maximum salary within the same class series in which the layoff is occurring within the Authority.

6. Those employees laid off will have employment rights at a lower level within the same class series within the Authority determined by the point totals. The individual being displaced re-establishes the layoff class for the purpose of points toward continued employment.

7. A copy of the layoff computations as well as a copy of the notice of layoff will be furnished each employee who is laid off and a copy of the notice of layoff will be incorporated in the reemployment files.

8. Employees who are reemployed by the Authority within two calendar years after they are laid off will be entitled to the recredit of accrued and unused sick leave remaining to their credit at the time of the layoff.

9. The names of permanent and probationary employees who have served at least three months of consecutive service shall be placed upon the reemployment list for the class of position involved in the layoff, in reverse order of termination. Each person on such a list shall retain eligibility for appointment therefrom for a period of two years from the date of their separation. A permanent employee who had been laid off and is being reemployed in the same division shall have permanent status restored.

704. REEMPLOYMENT. Reemployment, for the purposes of these Rules, is the appointment of a former permanent employee who was separated without cause to a position in the same class that the individual held at the time of separation. The Executive Manager shall maintain reemployment lists of all employees separated without cause. These employees will be accorded priority placement in their former class. Reemployment appointments are not subject to competitive procedures.

SECTION 8

ABSENCE FROM DUTY

801. ABSENCE FROM DUTY. Employees in the service of the Guam Airport Authority shall be governed by the following regulations in cases of absence from duty.

802. STRIKES. Any employee in the service of the Guam Airport Authority determined by the Executive Manager to have participated in such illegal activities shall be subject to such disciplinary action considered appropriate for each individual case.

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803. LEAVE OF ABSENCE - Defined. A leave of absence is an approved absence from duty for a prescribed period of time, with or without compensation.

804. LEAVE OF ABSENCE WITHOUT PAY. Employees in the service of the ~~Guam Airport Authority may request leave of absence with pay for good cause when~~ their current vacation will not cover the total period of requested leave.

805. LEAVE OF ABSENCE WITH ADVANCE PAY. The Executive Manager may authorize salary payments in whole or in part to employees in the service of the Guam Airport Authority for the period for which annual leave has been approved.

806. REVOCATION OF LEAVE. Approved leaves may be revoked by the Executive Manager when the good of the service for the Guam Airport Authority requires it, or when evidence shows that such employee on leave is engaged in activities for which the leave would not have been granted.

807. ADMINISTRATIVE LEAVE. Leave with pay without charge to the employee's leave accumulation may be authorized by the Executive Manager for the following reasons:

- (a) Unusual weather conditions such as a typhoon or any other major disaster.
- (b) Incapacitation as a result of on-the-job injury, and related medical treatment of the injury.
- (c) Jury duty.
- (d) Attendance at official meetings on and off island as approved by the Executive Manager.
- (e) Participation as a competitor in a Government of Guam personnel examination.
- (f) Participation in Armed Forces physical examinations prior to enlistment/induction.
- (g) Funeral/bereavement leave. (Maximum of 2 days)
- (h) Military leave. (15 days per calendar year)

808. FITNESS FOR DUTY EXAMINATION. Employees in the service of the Guam Airport Authority who have been on extended sick leave or leave without pay because of severe illness, surgery, contagious disease or other medical problems shall be

required to furnish a written statement from their personal physician that such employee may return to work. Management reserves the right to have the employee obtain a fitness for duty examination.

809. DENIAL OF LEAVE OF ABSENCE. No requests for leave of absences, with or without pay, shall be authorized where it appears that it is requested for the purpose of:

- (a) Allowing the employee to accept private employment.
- (b) Clearing the position for a temporary appointment.
- (c) Acceding to political or improper influence.
- (d) Doing something contrary to the good of the service.

810. HOLIDAYS. Employees in the service of the Guam Airport Authority may absent themselves from duty on the holidays established by these Rules, provided, however, that work assignments may be required to be carried out if previous notification is given by the Executive Manager. When an employee in the service of the Guam Airport Authority is absent from duty at the close of the working day immediately preceding a holiday and at the beginning of the working day immediately following a holiday, and such absences are determined to have been on a leave without pay status, the employee shall not be considered eligible for compensation for the holiday under this Rule, but shall be considered as on leave without pay status.

811. HOLIDAY WORK. Employees in the service of the Guam Airport Authority who are required, because of emergency or other reasons authorized by the Executive Manager, to be present on the job on those holidays listed below shall be paid at a rate equivalent to double their basic rate of pay.

812. LEGAL HOLIDAYS. For purposes of these Rules, holidays are declared to be as follows:

- (a) New Year's Day
- (b) Washington's Birthday (3rd Monday in February)
- (c) Good Friday
- (d) Memorial Day (last Monday in May)
- (e) Independence Day (July 4th)
- (f) Liberation Day (July 21st)
- (g) Labor Day (1st Monday in September)

- (h) Columbus Day (2nd Monday in October)
- (i) Veterans Day (4th Monday in October)
- (j) Thanksgiving Day (4th Thursday in November)
- (k) Lady of Camarin Day (December 8)
- (l) Christmas Day
- (m) Island-wide Election Day
- (n) Guam Discovery Day (1st Monday in March)
- (o) Such other days as may be designated by Proclamation of the Governor.

If any of the holidays enumerated above falls upon a Sunday, the following Monday is a holiday, and if any of such holidays falls upon a Saturday, the preceding Friday is a holiday. For employees whose workweek is other than Monday through Friday, and whose holiday falls on a non-workday, his holiday shall be determined as follows:

- (a) Sunday Holiday: 1) When an employee's workweek does not include Sunday, and a holiday falls on Sunday, his next regular workday within his workweek is his holiday; 2) when an employee's workweek includes Sunday and a holiday falls on the day that has been designated as his non-work day in lieu of Sunday, his next regular workday after his "in lieu of Sunday" within his workweek is his holiday.
- (b) Other Holidays: 1) When a holiday (other than Labor Day and Thanksgiving Day) falls on an employee's non-workday other than Sunday or the non-workday designated as in lieu of Sunday, the regular workday preceding the employee's non-workday is his holiday.

813. ANNUAL LEAVE. Employees occupying permanent positions in the service of the Guam Airport Authority shall accrue annual leave in accordance with the following schedule:

- (a) One-half day (4 hours) for each full bi-weekly pay period in the cases of employees with less than three (3) years of service.
- (b) Three-fourths day (6 hours) for each bi-weekly pay period except that the accrual for the last bi-weekly pay period in the year shall be one and one-fourth day (10 hours) in the cases of employees with three but less than fifteen years of service.

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- (c) One day (8 hours) for each full bi-weekly pay period in the case of employees with fifteen or more years of service.

Leave year means the period from the beginning of the first complete pay period in the fiscal year commencing July 1 to the beginning of the first complete pay period in the following fiscal year.

814. BASIS FOR ACCRUAL. Employees occupying permanent positions in the Guam Airport Authority service shall accrue annual leave for each bi-weekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

815. ANNUAL LEAVE POLICY:

(a) The policy of the Guam Airport Authority is that annual leave is a privilege granted for the mutual benefit of the employee and the Authority in order to assure the frequent refreshment of the employee so that he may more effectively perform his duties. It shall be the policy for the Executive Manager to afford opportunity for employees to take leave, and particularly to avoid, whenever possible, loss of leave by forfeiture. However, leave may be denied by the Executive Manager when the services of the employee are required after full consideration of the employee's request and operational requirements.

(b) The minimum charge for leave shall be one hour and additional charges in multiple thereof. Under ordinary circumstances unavoidable or necessary absence from duty of less than one hour, and tardiness, may be excused by the Executive Manager for adequate reasons without charge to leave.

816. CARRY OVER AND ACCUMULATION. Annual leave accrued and unused in a leave year may be carried over to the next leave year except the total accumulation by such carry-over shall not exceed 480 hours. Whenever such accumulation totals 480 hours, any annual leave accrued and unused in a leave year, shall be automatically forfeited at the end of such leave year. Provided, however, that a total accumulation of up to 720 hours (90 days) may be authorized, subject to the approval of the Executive Manager, upon certification prior to the additional accumulation that it results from the continued service of an employee at the request, and for the convenience of the Authority.

Employees entitled to annual leave hereunder may accumulate up to 480 hours thereof. Any annual leave earned by eligible employee in excess of 480 hours shall be automatically credited to such employee's accumulated sick leave, provided that not more than 100 hours shall be credited to said leave.

817. LUMP SUM PAYMENT:

(a) When an employee is separated, in lieu of being granted annual leave, he shall be given a lump sum payment for any accrued and unused annual leave as of the date of separation. In computing such lump sum payment, leave on leave shall not be allowed. If any such employee is reinstated or reemployed by the Authority prior to the expiration of the period of accrued and unused leave on which such lump sum payment is computed, he shall reimburse the Authority for any portion of such period which shall not have expired upon reinstatement or re-employment and shall be credited with leave for future use.

(b) In accordance with Section 4106, Government Code of Guam, an employee may, prior to taking authorized annual leave, receive a lump sum payment in advance for the period of leave authorized and to be taken, provided that the period of such leave shall be not less than ten (10) consecutive days. If any such employee returns to a work status prior to the expiration of the leave period for which he received a lump sum payment in advance, he shall reimburse the Authority for any portion of such period which shall not have expired and shall be credited with leave for future use.

818. SICK LEAVE. Employees occupying permanent positions in the Guam Airport Authority service shall accrue sick leave at the rate of one-half day (4 hours) for each bi-weekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

819. ACCUMULATION. Unused sick leave may be accumulated and carried over to succeeding leave years without limitation.

820. MATERNITY LEAVE. Maternity leave shall be granted to a female employee occupying a permanent position in the Guam Airport Authority service who is absent from work because of confinement for childbirth. Such maternity leave shall not exceed ten (10) days, shall be in addition to any accumulated sick leave, and shall be paid leave. Such maternity leave shall be any ten (10) days encompassing the date of childbirth, and any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave.

820.1 PATERNITY LEAVE.

(a) Two days excused absence with pay and without charge to leave shall

be granted for paternity purposes.

- (b) The employee shall have the option of using the two days leave either prior or post-delivery on one day prior and one day post-delivery, or two days post-delivery.

821. CERTIFICATION. If an employee is absent because of illness, injury or quarantine in excess of two (2) consecutive days, or for the full day immediately before or after a holiday, weekend, day off or vacation, he shall be required to furnish a certification as to the incapacitation by a licensed physician or furnish other administratively acceptable evidence." The Executive Manager may require certification for such other period of illness he deems advisable.

822. ADMINISTRATION OF SICK LEAVE. If the certification required in subsection 821 of this Rule is not furnished, all absences which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay.

823. SPECIAL PROVISIONS. The foregoing is subject to the following special provisions:

- (a) Falsification of an illness report shall be considered sufficient cause for disciplinary action.
- (b) Sick leave with pay shall be allowed during leaves of absence or vacations, provided, however, that any sick leave taken by an employee while on vacation must be supported by certification issued by a licensed physician. No employee shall be allowed to undertake gainful employment while on sick leave status.
- (c) The minimum charge for sick leave shall be one hour, and additional charges in multiples thereof.
- (d) Sick leave with pay, up to a maximum of ten (10) working days, may be granted in advance of earning such leave under the conditions described in this Rule. If an employee is separated from the service of the Guam Airport Authority without having earned all of the sick leave allowed and taken, there shall be deducted from any money due him at the time of separation an amount equal to his salary for the period of unearned sick leave allowed and taken.

SECTION 9

GRIEVANCE AND APPEAL PROCEDURES

901. POLICY. It is declared to be the policy of the Guam Airport Authority that employees' grievances shall be discovered and corrected as soon as

possible after they arise, and that there will be a fair and swift procedure whereby employees may appeal grievances which they consider unfavorable. To effectuate this policy, employees shall in all cases be assured freedom from restraint, interference, discrimination or reprisal.

902. LIMITATIONS. This Rule shall not be construed to authorize the use of the grievance procedures for the adjustment of difficulties otherwise provided for by law or these Rules not for reversal of the legitimate exercise of discretion by administrative officers. Performance ratings, denial of salary increments, and adverse actions shall not be reviewed through the grievance procedure.

903. GRIEVANCE PROCEDURES. Whenever an employee feels that he has a grievance against the Guam Airport Authority or any officer or employee thereof, the following procedure shall be used to adjust such grievance:

(a) The employee shall first informally discuss the grievance with his immediate supervisor; provided, that if the grievance is against the employee's immediate supervisor, the employee may proceed directly under subsection (b) of this Rule.

(b) If the employee's immediate supervisor does not believe that he has sufficient authority to resolve the grievance, or if he does not believe that further action is warranted, or if the grievance is against the employee's immediate supervisor, the employee shall next informally discuss the grievance with his section chief; provided, that if the employee's grievance is against his section chief, the employee may proceed directly under subsection (c) of this Rule.

(c) If the employee's section chief does not believe that he has sufficient authority to resolve the grievance, or if he does not believe that further action is warranted, or if the grievance is against the employee's section chief, the employee shall next informally discuss the grievance with the head of the division to which he is assigned; provided, that if the employee's grievance is against such division head, the employee may proceed directly under subsection (d) of this Rule.

(d) If the employee's division head does not believe that he has sufficient authority to resolve the grievance, or if he does not believe further action is warranted, or if the grievance is against the employee's division head, the employee may submit a formal request for review of the grievance and of all previous actions taken thereon to the Executive Manager, who shall attempt to resolve the grievance.

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904. GRIEVANCE APPEAL PROCEDURE. Whenever an employee who has a grievance has complied with the provisions of Rule 902, and his grievance has not been resolved to his satisfaction, he may refer the grievance, in the form of an appeal, to a grievance committee, under the following conditions:

(a) Every such appeal shall be in writing, and shall state at least the nature of the grievance; the person or persons, if any, complained against; and the nature of all actions taken under Rule 902 to attempt to resolve the grievance.

(b) Each such appeal shall first be submitted to the Executive Manager, on a form designed by the Executive Manager. The Executive Manager shall then appoint a four-member grievance committee, two (2) members from the employee's peer group and two (2) members from other departments or agencies who are classified employees at the managerial level. The Executive Manager shall appoint such grievance committee within ten (10) days after the submission of the appeal to him, and such grievance committee shall hold a meeting within three (3) days of its appointment, at which time the Executive Manager shall submit the appeal, and all information in his possession that is pertinent thereto, to the grievance committee.

(c) The grievance committee, with the assistance of the Executive Manager, shall make an investigation into the facts surrounding the grievance which has been appealed, prior to holding a hearing on the appeal. Such hearing will in all cases be held within ten (10) days after the committee has been appointed. All such hearings will be held during working hours and any personnel called to attend such hearings shall do so with no loss of salary. All such hearings will be informal and technical rules of evidence shall not apply. Proceedings at the hearing shall be recorded in summary form by the Executive Manager or his delegate, and shall contain all pertinent facts brought out during the hearing.

(d) The grievance committee shall prepare written recommendation for resolution of the grievance within fifteen (15) days after the date of the hearing. A copy of such recommendations shall be sent to the Executive Manager, and to the employee who has appealed the grievance. If the grievance committee fails so to submit such recommendations within such fifteen (15) day period, the Executive Manager, at the request of the employee who has brought the appeal, shall resolve the appeal in favor of the employee who brought such appeal. Upon receiving the recom-

mendations for the resolution of the grievance from the grievance committee, the Executive Manager shall resolve the grievance in accordance with those recommendations.

(e) An employee who has followed the procedures set forth in this Rule, and who is not satisfied with the recommendations of the grievance committee in regard to his grievance, and/or with the actions taken by the Executive Manager pursuant to such recommendations, may appeal such recommendations or action to the Board of Directors of the Guam Airport Authority, pursuant to Rule 904.

905. APPEAL PROCEDURE. An employee of the Guam Airport Authority may appeal to the Board of Directors of the Guam Airport Authority for review of administrative actions, or for review of the recommendations of a grievance committee or the actions taken by the Executive Manager pursuant to such recommendations. The findings and actions of the Board of Directors of the Guam Airport Authority are final.

906. GENERAL APPEAL PROCEDURES.

(a) Every appeal to the Board of Directors of the Guam Airport Authority shall be filed within twenty (20) calendar days after receipt of notice of the action being appealed; or, where the appeal is from the recommendations of a grievance committee within twenty (20) calendar days after the receipt of such recommendations; or, if the appeal is from actions taken by the Executive Manager pursuant to the recommendations of a grievance committee, within twenty (20) calendar days after such action has been taken by the Executive Manager. Every such appeal shall be filed on a form designed by the Executive Manager.

(b) The Board of Directors of the Guam Airport Authority shall conduct an investigation into the reasons for the administrative action as described by the officers or employees responsible therefor and of the relevant defenses or circumstances set forth in the appeal thereof; or, if the appeal is from the recommendations of a grievance committee or from actions of the Executive Manager pursuant to such recommendations, the investigation shall be into the facts surrounding the grievance and into the actions, if any, taken to resolve the grievance.

(c) Hearing on the appeal shall be held within fifteen (15) calendar days of the filing of the notice of appeal.

(d) Burden of proof shall be upon the appellant.

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(e) The officer or employee responsible for the administrative action appealed against, or, if the appeal is from the recommendations of a grievance committee or from the actions of the Executive Manager pursuant to such recommendations, the Executive Manager, shall first present his case to the Board of Directors of the Guam Airport Authority. An equal opportunity to be heard will then be afforded the appellant. Witnesses desired by either side shall be requested to be available and the Board of Directors of the Guam Airport Authority may compel the attendance of witnesses if other methods to enforce attendance fails. Technical rules of evidence shall not apply and no informality in any proceeding or in the manner of taking testimony before the Board of Directors of the Guam Airport Authority, or its authorized agents shall invalidate any order, decision, rule, regulation, or finding of the Board of Directors of the Guam Airport Authority.

(f) Hearings shall be held in executive sessions.

(g) Proceedings in all appeal hearings shall be stenographically recorded and a record thereof maintained in the files of the Guam Airport Authority.

(h) At the conclusion of the appeal hearing, the matter will be given consideration either in open or executive session, after which decision will be made. Findings of the Board of Directors of the Guam Airport Authority shall be reported in written form within ten (10) calendar days after the appeal hearing is completed. Copies of such findings will be sent to the appellant, to the Executive Manager, to the head of the division affected, and to the officer or employee responsible for the action appealed against, and a copy thereof will be retained in the files of the Board of Directors, Guam Airport Authority.

(i) The Executive Manager shall implement the findings of the Board of Directors of the Guam Airport Authority, within five (5) days after receiving the written report of such findings. If the Board of Directors of the Guam Airport Authority fails to submit a written report of its findings to the Executive Manager within the time period set forth above, the Executive Manager shall resolve the dispute in favor of the appellant.

SECTION 10

SEVERABILITY

1001. VALIDITY. If any of the provisions of these Rules, or the application of such provisions to any persons or circumstances shall be invalid, the validity of the provisions as applied to other persons or circumstances shall not be effected thereby.

SECTION 11

IMPLEMENTATION

1101. EFFECTIVE DATE. These Rules and Regulations shall become effective immediately upon the promulgation of an executive order by the Governor of Guam to that effect after approval of these Rules and Regulations by the Civil Service Commission.

1102. EXISTING EMPLOYEE BENEFITS, RIGHTS, ETC. The mere implementation of these Rules and Regulations shall not deprive any employee in the service of the Guam Airport Authority of any rights, benefits, compensation, or tenure that he may be entitled to by virtue of his employment by the Guam Airport Authority at the time of such implementation.